

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 WASHINGTON STATE UNIVERSITY,

8 Plaintiff,

9 v.

10 PHYTELLIGENCE, INC.,

11 Defendant.

CASE NO. C18-361RSM

ORDER TO SHOW CAUSE

12
13 Plaintiff, Washington State University, filed the Complaint in this matter on March 8,
14 2018. Dkt. #1. A summons was issued on March 9, 2018. Dkt. #2. Defendant has appeared,
15 but Plaintiff has not otherwise filed any proof that Defendant was properly served. Neither party
16 has taken any action in this matter since Defendant's appearance on March 29, 2018.

17 Subsequent to filing this action, Plaintiff removed a similar state court action (in which
18 Phytelligence sued Plaintiff) to this Court. *See Phytelligence, Inc. v. Washington State*
19 *University*, C18-405RSM (March 19, 2018). In the Joint Status Report filed in that action, the
20 parties indicate that Defendant has not been served in this action and note that the time limit for
21 service imposed by Federal Rule of Civil Procedure 4(m) has expired. *Phytelligence, Inc. v.*
22 *Washington State University*, C18-405RSM, Dkt. #28 at 3 (June 28, 2018).

24 //

25 //

1 Accordingly, **no later than twenty-one (21) days from the date of this Order**, Plaintiff
2 shall SHOW CAUSE why this case should not be dismissed for failure to prosecute.

3 Dated this 29 day of June, 2018.

4
5 

6 RICARDO S. MARTINEZ
7 CHIEF UNITED STATES DISTRICT JUDGE
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26